

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 20964 of 2004

Between:

1 The APSRTC, rep., by its Managing Director,
Mushirabad, Hyderabad.

2 The Depot Manager, APSRTC, Parvathipuram Depot.

..... PETITIONERS

AND

The Municipal Commissioner, Parvathipuram Municipality,
Vizianagaram District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records relating to Demand Notice Roc.No.1163/1996-A1, dt.25-6-2003 and Revision Petition order endorsement Roc.No.1163/1996-A1, dt.8-7-2004 on the file of the respondent and quash the same as being arbitrary and illegal by way of issue of a writ of certiorari or any other appropriate writ or order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioners: MR. P.VINAYAKA SWAMY, Standing Counsel.

For the Respondents: MR. SRINIVAS DAMMALAPATI, Standing Counsel.

The Court made the following Order: (per Sri B. Sudershan Reddy, J)

We are not inclined to judicially review the proceedings dated 8-7-2004 on the file of the Municipal Commissioner, Parvathipuram Municipality, the respondent herein, whereunder the Commissioner had rejected the request of the 2nd petitioner to reconsider the quantum of property tax payable by the petitioners in respect of bus station and garage which are admittedly used for nonresidential purposes. The learned Standing Counsel for the Corporation submitted that the 2nd petitioner made another representation on 10-8-2004 requesting the Commissioner, Pithapuram Municipality to reconsider his decision and re-examine the issue in the light of the facts stated in the representation. The petitioners accordingly prayed for reduction in enhancement of the property tax. The said representation is stated to be still under consideration of the Commissioner.

In the circumstances, it would be appropriate to direct the Municipal Commissioner to treat the said representation as an appeal preferred by the petitioners and provide an opportunity of being heard to the petitioners and dispose of the same in accordance with law. It shall be open to the petitioners to produce such evidence as they may have in their possession in support of what is stated in the representation dated 10-08-2004 which shall be duly taken into consideration by the Commissioner. The Commissioner shall take an appropriate decision in this regard within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

01-12-2004

(T.Ch. Surya Rao, J)

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To

1. The Municipal Commissioner, Parvathipuram Municipality,
Vizianagaram District.
2. Two CD copies.